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In re Application of :
WEINHERT, George W. :
U.S. Application No.: 09/646,415 :
PCT No.: PCT/US99/05773 :
Int. Filing Date: 17 March 1999 :
Priority Date: 18 March 1998 :
Attorney's Docket No.: 33146RD004 :
For: PROCESS FOR REDUCING PROTEIN :
ALLERGENS IN LATEX PRODUCTS :

**DECISION ON
PETITION
UNDER 37 CFR 1.182**

This decision is in response to applicant's "Petition to Commissioner under 37 CFR § 1.182 for Correcting Application Under 35 U.S.C. 371" filed on 29 March 2002.

BACKGROUND

On 18 September 2000, applicants filed for entry into the national stage in the United States under 35 U.S.C. 371 which was accompanied by, *inter alia*, the basic national fee. Applicants listed the international application number as PCT/US99/05733 on the transmittal letter (Form PTO-1390) and Information Disclosure Statement (IDS).

On 08 January 2001, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that a declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee pursuant to 37 CFR 1.492(e) must be provided.

On 08 February 2001, applicants filed an executed declaration listing the international application as PCT/US99/05733 along with the surcharge fee.

On 23 February 2001, the DO/EO/US mailed a Notification of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903).

On 06 February 2002, a communication was mailed informing applicant that the Form PCT/DO/EO/903 mailed on 23 February 2001 was sent in error and vacated. The international application listed on the transmittal letter and IDS did not designate the United States or correspond with the rest of the application.

On 29 March 2002, applicants filed the instant petition ("Pet.") which was accompanied by, *inter alia*, a signed declaration and the petition fee.

DISCUSSION

A review of the above-captioned application file revealed that the wrong U.S. application number, *i.e.*, PCT/US99/5733, was designated on the transmittal letter and IDS filed on 18 September 2000 and again on the declaration filed 08 February 2000. Applicant was requested to file a petition pursuant to 37 CFR 1.182 identifying the correct international application number and explaining how the papers filed on 18 September 2000 show that the above-captioned application is the national stage of such International application.

In the instant petition, applicant states that "[t]he correct international application number is PCT/US99/05773." Pet. at ¶ 2. Applicant also explains how "[w]ith the exception of the noted "371" Transmittal and Information Disclosure Statement cover sheet, all other documentation including The International Application filed on September 18, 2000, properly pertained to the intended PCT/US99/05773." *Id.* at ¶ 3.

A review of the the above-captioned application reveals that PCT/US99/05773 has the same title, inventor and description as listed on the above-captioned application. Applicant also submitted a corrected transmittal letter and declaration and the required petition fee of \$130.00 with the instant petition.

Applicant has met all the requirements of a grantable petition.

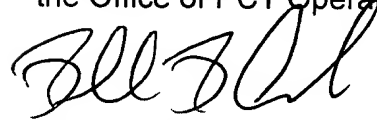
CONCLUSION

For the reasons listed above, applicants' petition under 37 CFR 1.182 to correct the PCT application number is **GRANTED**.

Applicants are reminded to use **PCT/US99/05773** for all future correspondence regarding this application.

Applicant has completed the requirements for acceptance under 35 U.S.C. § 371(c). The application has an international filing date of 17 March 1999, under 35 U.S.C. 363, and a 35 U.S.C. 371 date of **29 March 2000**.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.


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